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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,505	11/20/2001	Takashi Yamaguchi	F-7231	2653

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EXAMINER

ABDELWAHED, ALI F

ART UNIT PAPER NUMBER

3712

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,505

Applicant(s)

YAMAGUCHI, TAKASHI

Examiner

Ali Abdelwahed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

Claims 1, 4, 7, 8, 10, and 11 are objected to because of the following informalities:

It is suggested that in:

Claim 1, line 12, delete "velocity" and insert --velocities--.

Claim 1, line 13, delete "increased/decreased" and insert --increased or decreased--.

Claim 4, line 3, delete "velocity" and insert --velocities--.

Claim 4, line 4, delete "source" and insert --sources--.

Claim 4, line 5, before "...at a high velocity side..." delete "velocity" and insert --velocities--.

Claim 7, lines 5 and 7, delete "source" and insert --sources--.

Claim 7, line 6, delete "velocity" and insert --velocities--.

Claim 7, line 9, delete "other" and insert --another--.

Claim 10, line 4, delete "present".

Claim 8, lines 2 and 3, "...for controlling said moving body remotely operation..." appears to be a grammatical error.

Claim 11, lines 7 and 8, "...for setting hardness of suspension of back and forth of said automobile..." appears to be a grammatical error.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the respective driving sources", "the turning easiness", "the change", and "the setting value" in lines 11, 21, and 26. There is insufficient antecedent basis for these limitations in the claim.

Claims 2 and 3 recite the limitation "each setting value" in lines 5 and 7, respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim 4 recites the limitation "the case" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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Claim(s) 5 and 8-10 depend from rejected claim(s) 1 and include all of the limitations of claim(s) 1 thereby rendering these dependent claim(s) indefinite.

Claim 6 recites the limitation "the maximum value" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitations "the maximum velocity", "the maximum value", and "the fullest operation amount" in lines 4, 6, and 8. There is insufficient antecedent basis for these limitations in the claim.

Claim 11 recites the limitation "the turning easiness" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,508,516 to D'Andrade et al. in view of U.S. Patent No. 5,195,920 to Collier.

D'Andrade et al. discloses the claimed invention except for the storing device for storing plural kinds of data pieces. However, Collier teaches a remote controlled toy vehicle comprising the aforementioned limitation (150). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle of D'Andrade et al., in view of Collier, such that it would provide the vehicle of D'Andrade et al. with the aforementioned limitation for the purpose of specifying the relationship between the operation amount of the steering portion and the velocity ratio.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Andrade et al. in view of Collier as applied to claim 10 above, and further in view of U.S. Patent No. 6,083,104 to Choi.

D'Andrade et al., as modified, discloses the claimed invention except for the displaying device. However, Choi teaches a programmable toy vehicle comprising the aforementioned limitation (see figs.1 and 8A; [105, 106]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the vehicle of D'Andrade et al., as per the teachings of Choi, such that it would provide the vehicle of D'Andrade et al. with the aforementioned limitation for the purpose of displaying information concerning the operation of the vehicle.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (703) 305-

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3311. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

AA

04/15/2003



DERRIS H. BANKS
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